

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Monday, January 29, 2018

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Raybould, Shepherd, Wood, Boyle, Vander Woude, Miller, Burtenshaw, Mendive, Youngblood, Kauffman, Giddings, Blanksma, Erpelding, Rubel, Jordan

**ABSENT/
EXCUSED:** Representative(s) Vander Woude

GUESTS: Gary Spackman, Shelley Keen, Mat Weaver, Tim Luke, and Roger Chase, Idaho Department of Water Resources; Norm Semanko, Parsons Behle and Latimer; Paul Arrington, Idaho Water Users; Lynn Tominaga, Idaho Ground Water Association

Chairman Gibbs called the meeting to order at 1:31pm.

Gary Spackman, Director, Idaho Department of Water Resources, presented the annual update from the Department. Highlights include the Department is helping people install measuring devices throughout the Eastern Snake Plain, mostly for ground water diversions. There are about 4,000 measuring devices to be installed by April 1, although not all will be in place by that time. These devices will help to provide consistency across the Plain so everyone is treated the same. The Department continues to prioritize the backlog of permits to develop water rights and was able to get the backlog below 1,000. Work continues on that effort as well as processing pending applications to rent water to individuals who have urgent needs. Finally, although the Department worked to try and get permits for Class II injection wells for oil and gas production, they were unsuccessful, so had to turn jurisdiction back over to the Environmental Protection Agency.

Roger Chase, Chairman, Water Resources Board, presented the annual update from the Board. Highlights include successful results from the recharge efforts, with the best success from the Milepost 31 recharge site - Milner Gooding Canal, where approximately 50% of the overall recharge occurs. He stated they don't believe they can ever completely bring back the aquifer, but they can work to stabilize it, or stop the drop. During the 2015-2016 recharge season only 66,536 acre feet was measured in comparison to this past 2016-2017 recharge season recording 317,714 acre feet. With this current recharge season already measuring 224,151 acre feet, the recharge program is showing great success.

Mr. Chase noted a new area they are working in is the Treasure Valley. They began discussions with the Bureau of Reclamation focusing on the idea of raising the three reservoirs, with the goal of additional water storage but at least maintaining the 60,000 acre feet, which is critical to the Boise system. Other projects include work on Bear Lake and the Last Chance Canal Diversion Dam and water storage, salmon recovery in the Upper Salmon Basin, cloud seeding, and the Mountain Home Air Force Base sustainable water project.

H 370: **Tim Luke**, Water Compliance Chief, Idaho Department of Water Resources, stated this is a housekeeping bill that amends **Section 42-605, Idaho Code** in three areas. The first change lengthens the period of time in which State Water Districts can hold annual meetings. The second change adds language clarifying absentee and proxy voting are prohibited. And, the third change removes unnecessary or duplicate language throughout this Section, and adds or revises some language, as necessary, to correct or clarify several subsections.

Paul Arrington, representing Idaho Water Users, stated they are **in support** of this bill.

Lynn Tominaga, representing Idaho Ground Water Association, stated they are **in support** of this bill as well as the other two bills on today's agenda.

MOTION: **Rep. Wood** made a motion to send **H 370** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Burtenshaw** will sponsor the bill on the floor.

H 371: **Mathew Weaver**, Deputy Director, Idaho Department of Water Resources, stated this bill amends **Critical Ground Water Areas, Section 42.233a, Chapter 2, Title 42, Idaho Code**. He explained there are two types of statutorily designated ground water areas; ground water management areas and critical ground water areas. During the 2016 Legislative Session, **Section 42.233b** was amended to address ground water management areas by removing a September 1 curtailment order deadline and provided protections from curtailment for ground water users participating in an approved ground water management plan. This bill amends **Section 42.233a** in exactly the same way, so both statutes will have the same language.

Mr. Weaver also discussed two concerns brought to his attention. The first issue identified part of a sentence that was inadvertently left out in the SOP language, which will be corrected, and the second issue was concern over removal of the September 1 date. Mr. Weaver stated it is critical to remove that date because it is too far in advance of the following irrigation season to be able to effectively administer the program.

Lynn Tominaga, representing Idaho Ground Water Association, stated in Idaho there are 12 ground water management areas and eight critical ground water areas. He stated many of the critical ground water areas are within the ground water management areas, so it makes sense for the statutory language in both areas to mirror one another. Therefore, the Idaho Ground Water Association is **in support** of this bill.

MOTION: **Rep. Blanksma** made a motion to send **H 371** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Raybould** will sponsor the bill on the floor.

H 372: **Shelley Keen**, Water Rights Section Manager, Idaho Department of Water Resources, stated this bill amends **Section 42.2210, Idaho Code** creating a flat filing fee of \$50.00 per water right rather than a sliding scale filing fee which could be hundreds or thousands of dollars. This flat filing fee should encourage water right holders to update their water right records to include updated legal descriptions of the point of diversion or place of use for a water right when no physical change is proposed and no unauthorized water use change has occurred.

Chairman Gibbs requested the record reflect there were no questions from the committee and no public testimony.

MOTION: **Rep. Miller** made a motion to send **H 372** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:34pm.

Representative Gibbs
Chair

Tracey McDonnell
Secretary